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NAVY REGION SOUTHWEST
REGIONAL EMERGENCY MANAGEMENT PROGRAM

Annex F

Department of Defense Support To Civilian Authorities (DSCA)

1. Discussion

a. DoD Directive 3025.1 (Series) is the Department of Defense manual for military support to civil authorities guidance. DoD Directive 3020.36 (Series) is the Department of Defense assignment of national security emergency preparedness responsibilities to DoD components guidance. DoD Directive 3025.12 (Series) is the Department of Defense military assistance for civil disturbances guidance. DoD Directive 5100.46 (Series) is the Department of Defense foreign disaster relief directive. DoD Directive 5160.54 (Series) is the Department of Defense Critical Asset Assurance Program (CAAP). SECNAVINST 5820.7B (Series) is the Navy cooperation with law enforcement officials guidance. OPNAVINST 3440.16 (Series) is the Navy civil emergency management program. These instructions define the range of DoD participation in the DSCA program and assign Navy Region Southwest responsibility for DSCA within the States of California, Arizona, and Nevada.

b. DSCA includes all types of resources and manpower provided by the Navy to any city, county, or state government.

c. Domestic civil emergencies may overlap military and civilian jurisdictions. Civil emergency operations and recovery planning involve the principle of mutual assistance.

d. Commanding officers must be prepared to aid civil authorities and to request assistance, if needed, from other services, federal agencies, and state and local authorities within their area of responsibility.

e. Use of Navy assets will only be authorized by the Regional Planning Agent (RPA) when the local civil emergency results from a sudden, unpredictable calamity, in which the civilian authorities, without military help, are unable to act effectively to save lives, prevent human suffering, or mitigate great property damage.

2. Policy

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- a. When authorized by the President at the request of a State Governor, under certain conditions, DoD may perform on public or private lands emergency work that is essential for the preservation of life or property. Emergency work by DoD under that provision may be carried out only for a period not to exceed 10 days, and is only 75% funded by federal funds. (References: Section 403(c) of the Stafford Act, DoD Directive 3025.1, and COMLANTFLTINST 3440.1C)
- b. Military commanders are authorized to respond to requests from the civil sector to save lives, prevent human suffering, and/or to limit property damage. An "Immediate Response" scenario is situation-specific and may or may not be associated with a declared disaster. Immediate assistance by commanders will not take precedence over their mission-related duties, nor over the survival of their own units. Navy commanders acting under Immediate Response authority shall advise the PPA (CFFC) via the RPA (Navy Region Southwest) of the details of the operation as soon as the situation allows. (Reference: OPNAVINST 3440.16C)
- c. Responses to requests from the civil sector to save lives, prevent human suffering, and/or to limit property damage based on an "Immediate Response" scenario should be limited to 72 hours. However, this is only a "rule of thumb". There is no specific law or requirement limiting the response to 72 hours.
- d. Navy resources must not compete with the civilian sector for products and services. The Navy is prohibited from providing assistance to civil authorities if the function is within the capabilities of the city, county, or state concerned; or contractible by civil authorities to a private concern.
- e. The authorization of Navy resources may require payment from the requesting party, even if after the fact. Commanding officers responding to local requests for assistance in an undeclared disaster or emergency should inform the requesting local civil authority that the recipient may be billed for assistance. However, assistance should not be delayed or denied in the absence of a reimbursement commitment from the requestor.
- f. Commanding officers responding to local requests for assistance in an undeclared disaster or emergency must coordinate with the appropriate Program Manager if regional assets (fire, security, etc.) assets are being considered to ensure funds are available within the program.
- g. Navy involvement in civilian law enforcement requires specific authorization. Title 18 USC Section 1385 (Posse Comitatus Act) specifically prohibits military personnel, including DoD civilian personnel, from being used to enforce civil law except when authorized by the President.
- h. Requests for support from civil authorities not covered by existing mutual aid agreements must be forwarded to the Regional Office of Emergency Management

(OEM) for approval. However, commanding officers may commit Navy resources or manpower to a request for assistance from civil authorities without prior approval to save lives, prevent human suffering, and/or limit property damage. In those cases, immediate telephonic reports and follow up written reports to Regional OEM are required.

i. Regional OEM will be notified by telephone immediately and by Navy message within 24 hours stating the extent of support provided and the specific reason for immediate response.

j. If the support requested by civilian authority does not meet the immediate threat to life and property criteria, approval must be obtained from Regional OEM before any support is furnished.

k. Lessons Learned on DSCA operations will be submitted to CFFC via Navy Region Southwest within 60 days of the completion of the operation. Regional OEM will be responsible for consolidation of lessons learned from installations, sub-regions and Navy EPLO's. (Reference: COMLANTFLTINST 3440.1C)

3. **Responsibilities**

a. **Regional Level.** The Regional Office of Emergency Management is responsible for:

(1) Designating an individual to coordinate with appropriate military and civilian authorities in planning and executing mutual civil emergency assistance.

(2) Developing an effective plan for providing support to civil authorities consistent with the guidance provided by Regional OEM.

(3) Establishing a communications, command, control, and information plan compatible with other service, federal, and state organizations' emergency management plans.

(4) Developing procedures for command post operations.

(5) Coordinating the Navy regional response to requests for assistance under all civil emergencies as directed by Regional OEM.

(6) Reporting Navy requirements and forces availability and capabilities for support of civil emergency operations to Regional OEM.

(7) Designating and assigning responsibilities to sub-regions within the area of responsibility, when required.

(8) Ensuring designated subordinate commands develop effective

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emergency management programs and disaster response plans.

(9) Ensuring Mobile Medical Augmentation Readiness Teams (MMART's), when assigned within the region in accordance with OPNAVINST 6440.1 (Series), are provided administrative and logistics support, as necessary.

(10) Providing guidance and assigning responsibilities to Navy Emergency Preparedness Liaison Officers (EPLO's) assigned to support the military/civil headquarters (Federal Emergency Management Agency, State Area Command, U.S. Fifth Army, etc.) within the region.

(11) Coordinating applicable Interservice Support Agreements (ISSA's) with other services, and Memorandums of Understanding (MOU's) with federal agencies, and state and local authorities.

(12) Ensuring that Navy EPLO's have a working knowledge of the DoD Resource Database (DoDRDB) and maintain their applicable portions of the DoDRDB.

b. **Sub-Regional Level.** Sub-regional Emergency Management Officers (EMO's) are responsible for:

(1) Establishing a civil emergency assistance program to conform to guidance provided by Regional OEM.

(2) Keeping the Immediate Superior in Command (ISIC) of the designated sub-regional command informed of emergency management plans developed and any implementation thereof.

(3) Coordinating emergency management planning and operations with other services, federal agencies, and state and local authorities having emergency management responsibilities within the local area.

(4) Planning for and pre-identifying emergency teams for specific emergency situations (e.g., emergency power restoration, communication restoration, food and water distribution) as appropriate, by billet and required equipment, to preclude unnecessary delays in rendering support.

4. **Action.** All command emergency management plans shall contain specific instructions for assisting civilian authorities during a civil disaster. The DSCA portion of the command emergency management plan shall be consistent with state and local plans dealing with the same subject and geographic area. The DSCA section shall:

a. Cover capabilities and limitations of local Navy resources to assist civil agencies, including, but not limited to, the areas of emergency housing, food, and medical care.

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b. Include procedures for recall and deployment of disaster response personnel provided by Navy entities in assisting the civil community as well as specific guidance for ensuring that these forces are used effectively and that they remain under DoD executive agent or designated military commander control while assisting the civil community.

c. Ensure Regional OEM is notified of all military support provided to civilian authorities not covered by existing mutual aid agreements.

d. Ensure any support provided to civilian authorities does not compete with civilian concerns.

e. Ensure compliance with Title 18 USC Section 1385 (Posse Comitatus Act).

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